

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
Fort Worth Division**

Outsourcing Facilities Association, *et al.*,

Plaintiffs,

v.

U.S. Food and Drug Administration, *et al.*,

Defendants.

Case No. 4:24-cv-00953-P

[PROPOSED] ORDER

Before the Court is Defendants' Unopposed Motion for Voluntary Remand and Stay. The Court has considered the motion in light of the governing standard. The Court has also taken into account Defendants' representation that they will not take action against Plaintiffs and their members for violations of the Federal Food, Drug, and Cosmetic Act arising from conditions that depend on tirzepatide's inclusion on the drug shortage list (*i.e.*, compounding that does not meet the applicable conditions in 21 U.S.C. §§ 353a(b)(1)(D) or 353b(a)(2)(A)(ii) and (a)(5)), from the date of this order through two weeks beyond the new decision on remand and, if Plaintiffs file a motion for preliminary injunction regarding the new decision, through the Court's resolution of that motion. It is hereby ORDERED that:

1. The case is stayed and the challenged decision is remanded to the United States Food and Drug Administration for reconsideration.
2. The parties shall file a joint status report by November 21, 2024.
3. The hearing in this case scheduled for October 15, 2024, at 11:00 a.m. is canceled.

SO ORDERED.

Dated this ____ day of _____, 2024.

Hon. Mark T. Pittman
United States District Judge